

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL RIVERA,

Plaintiff,

-against-

HOME DEPOT U.S.A., INC.,

Defendant.

HOME DEPOT U.S.A., INC.,

Third-Party Plaintiff,

-against-

BRYAN'S HOME IMPROVEMENT CORP.,

Third-Party Defendant.

I. FULL CAPTION

See above.

II. TRIAL COUNSEL

For Plaintiff DANIEL RIVERA:

Steven Payne, Esq.
GINARTE GALLARDO
GONZALEZ WINOGRAD, LLP
225 Broadway, 13th Floor
New York, New York 10007
Tel.: (212) 601-9700
Fax: (212) 267-4185

For Defendant HOME DEPOT U.S.A., INC.:

D'AMATO & LYNCH, LLP
225 Liberty Street
New York, New York 10281
Tel.: (212) 269-0927
Fax: (212) 269-3559

Civil No.: 16cv7552

JOINT PRE-TRIAL ORDER

For Third-Party Defendant BRYAN'S HOME IMPROVEMENT CORP.:

CONNORS & CONNORS, P.C.
766 Castleton Avenue
Staten Island, New York 10310
Tel.: (718) 442-1700
Fax: (718) 442-1717

III. NUMBER OF TRIAL DAYS REQUESTED

Six to seven (6-7) days.

IV. JOINTLY AGREED STIPULATIONS OR STATEMENTS OF FACT OR LAW

The court has original jurisdiction of this case under Diversity of Citizenship 28 U.S.C.

§1332:

The plaintiff, DANIEL F. RIVERA is a resident of the State of New Jersey being domiciled at 504 East Jersey Street, 1st Floor, Newark, New Jersey.

The defendant HOME DEPOT U.S.A., INC., is a Delaware Corporation with its principal place of business located at 2455 Paces Ferry Road, Atlanta, Georgia.

Third-party defendant BRYAN'S HOME IMPROVEMENT CORP., is a New York Corporation with its principal place of business located at 2 Franka Place, Apt#9, Spring Valley, New York.

The incident giving rise to matter occurred at 58 Cooks Avenue in Yonkers, New York.
The controversy exceeds the sum of \$75,000.00 exclusive of interest and costs.

V. WITNESSES

WITNESSES FOR PLAINTIFF				
WITNESS	Method of Testimony	Estimated Time for Direct Examination	Estimated Time for Cross-Examination	Total Estimated Time of Testimony
DANIEL F. RIVERA	In person	2.5 Hours	1.5 Hours	4 Hours
BLANCA N. RODRIGUEZ	In person	1 Hour	.5 Hours	1.5 Hours
HAROLD BIALSKY D.C.,M.A.,C.R.C.,C.L.C.P.	In person	1 Hour	1 Hour	2 Hours
VALERIE PENNINGTON-REYES (Workers' Compensation Representative)	In person	.5 Hours	.5 Hours	1 Hour
JURACI DA SILVA, PH.D.,	In person	45 Mins to 1 Hour	.7 Hours	1.7 Hours
PAUL K. RATZKER, M.D.	In person	2 Hours	1.5 Hours	3.5 Hours
MICHAEL K. SEIDENSTEIN, M.D.	In person	2 Hours	1 Hour	3 Hours
OMOWUNMI OSINUBI, M.D.	In person	2.5 Hours	1.5 Hours	4 Hours
RONALD E. MISSUN, PH.D	In Person	1 Hour	1 Hour	2 Hours
RECORDS WITNESS – BERGENFIELD SURGICAL CENTER	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – INTERGRATIVE NEUROTHERAPY	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – IRONBOUND MRI	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – NJ IMAGING NETWORK	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – SPECIALTY SURGERY OF SECAUCUS	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – ST. JOSEPH'S MEDICAL CENTER BILLING DEPT.	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – ST. JOSEPH'S MEDICAL CENTER RADIOLOGY DEPT.	In Person	20 Minutes		20 Minutes
RECORDS WITNESS – SURGICORE OF JERSEY CITY	In Person	20 Minutes		20 Minutes

RECORDS WITNESS -- ST. JOSEPH'S MEDICAL CENTER MEDICAL RECORDS DEPT.	In Person	20 Minutes		20 Minutes
WITNESSES FOR DEFENDANT				
WITNESS FOR THIRD-PARTY DEFENDANT				

VI. DESIGNATION OF DEPOSITION TESTIMONY

Not necessary as all witnesses will be testifying live.

VII. EXHIBITS TO BE OFFERED INTO EVIDENCE

(See attached spreadsheet)

VIII. EXHIBITS OBJECTED TO

(See attached binder)

IX. MOTIONS IN LIMINE

Copies of the following motions in limine are attached hereto:

- Plaintiff's Motion in Limine to preclude testimony or evidence relating to plaintiff's immigration status.
- Third-Party Defendant's Motion in Limine to preclude testimony or evidence relating to Quantitative Electroencephalography.

X. REQUESTS TO CHARGE, JOINT VERDICT FORMS, JOINT PROPOSED VOIRE DIRE QUESTIONS

(See attached forms)